

NATIONAL ORGANIC STANDARDS BOARD
FINAL RECOMMENDATION ADDENDUM NUMBER 9

NOSB PHASE-IN / IMPLEMENTATION RECOMMENDATIONS

Date adopted: April 27, 1995
Location: Orlando, FL

ORGANIC HANDLER CERTIFICATION PHASE-IN RECOMMENDATION :

For the purposes of organic certification, the implementation date of the Federal OFPA shall be the date that USDA first publishes a list of Accredited Organic Certifying Agents or the date that the Final Rules are published, whichever is later.

Organic Handlers who do not process but handle organically produced and/or processed food after the implementation date of the Federal OFPA must have a current application on file with a USDA Accredited Organic Certifying Agent within two(2) months of the implementation date of the Federal OFPA. Such Organic Handlers must be certified by a USDA Accredited Organic Certifying Agent within twelve (12) months of the implementation date of the Federal OFPA.

Organic Processors selling previously third party certified products in interstate commerce labeled as "organic foods" or "foods made with organic ingredients" after the implementation date of the Federal OFPA shall: 1) have a current application on file with a USDA Accredited Organic Certifying Agent within two(2) months of the implementation date of the Federal OFPA; and 2) be certified by a USDA Accredited Organic Certifying Agent within twelve (12) months of the implementation date of the Federal OFPA.

Inventories of Certified Organic Ingredients Used in Existing Products

Inventories of certified organic ingredients that were purchased prior to the implementation date of the Federal OFPA for the purpose of use in an existing product and were not produced and/or processed in compliance with the Final Rules may be used in as ingredients in "organic foods" and "foods made with organic ingredients" for no longer than twelve (12) months after the implementation date of the Federal OFPA.

Existing Processed Food Products

Organic processed food products that were first introduced into interstate commerce prior to the implementation date of the

Federal OFPA must be in compliance with the Final Rules eighteen (18) months after the implementation date of the Federal OFPA.

New Organic Processed Food Products

After the implementation date of the Federal OFPA, Organic Processors shall not introduce into interstate commerce any new products labeled as "organic foods" or "foods made with organic ingredients" until their application has been received by a USDA Accredited Organic Certifying Agent. All new organic processed food products must be in compliance with the Final Rules.

Date adopted: April 25, 1995
Location: Orlando, Florida

PHASE-IN PERIOD FOR LABELS ON FOODS WITH ORGANIC INGREDIENT CLAIMS:

All previously third party certified products labeled as an "organic food" or as a food "made with organic ingredients" or containing any ingredient listed as an organic ingredient manufactured 18 months after the publication date of the Final Rules shall meet the labeling requirements of the National Organic Program Regulations.

Date adopted: April 28, 1995
Location: Orlando, Florida

CROPS AND LIVESTOCK COMMITTEES RECOMMENDATIONS ON IMPLEMENTATION OF CROPS AND LIVESTOCK STANDARDS:

- A. (1) The use of a practice or material which becomes prohibited under the National Organic Program (NOP) shall be terminated at the time of implementation. However, any such practice or material which had been permitted by a USDA accredited certifying agency at any time within the 36 months immediately prior to implementation of the NOP shall not be cause for decertification of a field, crop, or livestock.
- (2) If a certifying agency should decide to deny a producer's certification on the basis of a practice or material prohibited under the NOP, but which had been permitted by a USDA accredited certifying agency at any time within 36 months immediately prior to implementation, the

decision may be appealed by the producer according to procedures established in the NOP.

- B. (1) Policies concerning Pesticide and Fertilizer Drift and Misapplication Policy; Small Farmer Exemption; Residue Testing; Allowance for a Split Operation; and Emergency Spray Exception shall be applicable at the time of implementation.

(2) Policies concerning Livestock Feed; Healthcare, Record keeping and Transportation Practices; Antibiotic Use; and Synthetic Parasiticide Use shall be applicable at the time of implementation.
- C. The language concerning Planting Stock Policies shall be applicable at the time of implementation. However, any practice which had been permitted by a USDA accredited certifying agency at any time within the 36 months immediately prior to implementation of the NOP shall not be cause for decertification of a field or crop.
- D. The requirement for an Organic Farm Plan (Crop or Livestock) written by the producer shall be applicable at the time of implementation. The approval of the Farm Plan by the certifying agency shall be completed no later than the time at which the applicant is certified under the NOP.
- E. In order to maintain their certification, producers previously certified by third party certifiers must be certified under the NOP by a USDA accredited certifying agency no later than 12 months following the date that USDA first publishes a list of accredited certifying agencies.